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WASHINGTON DC 20004

In re Application of:
WOLFINBARGER, LLOYD JR. et al
Serial No. 09/940,545
Filed: Aug. 29, 2001
Docket: 067949-5006-03
Title: PLASTICIZED BONE AND SOFT
TISSUE GRAFTS AND METHODS OF
MAKING AND USING SAME

2/12/09

DECISION ON PETITION
UNDER 37 CFR § 1.144

This is a decision on the petition filed February 3, 2009 under 37 CFR § 1.181 requesting a Director's signature on the final rejection of patent claims mailed on December 8, 2008. In the petition, petitioner pointed out that the final rejection mailed on December 8, 2008 was not signed by a Director in accordance with MPEP 1003. The examiner also failed to consider the IDS filed on December 3, 2008.

The petition is dismissed as moot.

The record shows on February 5, 2009, a final rejection with the Director's signature was mailed. In the office action of February 5, 2009, the examiner also included an initialed copy of the IDS filed by the applicant on December 3, 2008. In view of the examiner's action, decision on the petition is moot and subject to dismissal.

There is no fee for a petition under 37 CFR § 1.181. Therefore, no fee was charged to the petitioner's deposit account. Questions regarding the refund may be directed to the Office of Finance at 571-272-6500.

PETITION DISMISSED.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Robert Olszewski, Director
Technology Center 3700